

REMARKS

Applicant wishes to thank the Examiner for considering the present application. In the Office Action dated January 8, 2004, claims 1-20 are pending in the application. Claims 2 and 10-15 stand allowed. The allowability of claims 1 and 3-9 if rewritten to overcome the §112 rejections is noted. Claim 17 was cancelled.

Claims 1 and 3-9 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for omitting an essential element, such omissions amounting to a gap between the elements. The Examiner states that the omitted elements are reverse osmosis membrane. Claims 16-20 stand rejected for the same reasons except that the missing steps are passing the fluid through a reverse osmosis membrane. Applicant has added the membrane therein without prejudice.

Claim 16, 18-20 stands rejected under §102(b) as being anticipated by *Pelmulder* (4,243,523). Claim 17 stands rejected under §103(a) as being anticipated by *Pelmulder* (4,243,523) in view of *Uhlinger* (6,190,556). Applicant respectfully traverses.

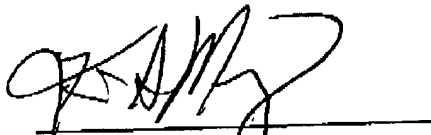
Claim 16 is directed to a method of operating a process having a feed pump directing fluid to a process chamber having a high pressure outlet and a low pressure outlet. The method includes the step of boosting a pressure of fluid output from a feed pump prior to entering a first process chamber using a first portion of high pressure fluid from the high pressure outlet of a first process chamber and recirculating a second portion of the high pressure fluid and fluidically coupling the second portion of the high pressure fluid between the feed pump and the process chamber. It should be noted that the concentrate outlet 39 of the *Uhlinger* reference is directed back to an energy recovery pump. After the fluid leaves the energy recovery pump through channel 41, the system is returned to the ocean through flow meter 43. Thus, there are not two portions of the concentrate output as described in claim 16. Essentially claim 16 divides the high pressure into a first and second portion and recirculates a portion the input before the pump. The claim has been amended to include the limitations of claim 17 and some additional clarification language. Claim 16 now recites using an energy recovery turbine coupled to a pump on a common shaft, said first portion of high pressure fluid turning the turbine. This is not shown in the *Pelmulder* or the *Uhlinger*

reference. Therefore, applicant respectfully requests the Examiner to reconsider this rejection.

In light of the above remarks, applicant submits that all rejections are now overcome. Applicant has added no new material to the application by these amendments. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments which would place the application in better condition for allowance, she is respectfully requested to call the undersigned attorney.

Please charge any fees required in the filing of this amendment to deposit account 50-0476.

Respectfully submitted,



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